

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>MAHIR MOHAMMAD,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:04CV460-SNL</b>
	)	
<b>MICHAEL HESTON, District Director,</b>	)	
<b>Bureau of Citizenship and Immigration</b>	)	
<b>Services and</b>	)	
<b>THE HONORABLE JOHN ASHCROFT,</b>	)	
<b>Attorney General of the United States of</b>	)	
<b>America,</b>	)	
	)	
<b>Respondents.</b>	)	

**ORDER**

Petitioner has responded to the Court's order to show cause. In the response, petitioner stated that on January 7, 2005 the Circuit Court for the City of St. Louis dismissed petitioner's said writ (mandamus). Petitioner has now filed his Writ of Mandamus with the Missouri Court of Appeals which is pending.

Respondents have also replied to the Court's order to show cause. In that pleading filed May 20, 2005 respondents stated that on May 11, 2005 the President signed into law the "Emergency Supplemental Appropriations Act For Defense, the Global War on Terror, and Tsunami Relief, 2005." Respondents allege that § 106 of the Act requires that a petition for review to the Courts of Appeal is the exclusive means of review of an Administrative Order of Removal, Deportation or Exclusion. Respondents state that "Section 106(c) provides that any habeas corpus petition pending in District Court in which an alien challenges a final administrative order of removal, deportation or exclusion shall be transferred by the District Court to the appropriate Court of Appeals."

Here, petitioner is challenging his final order of removal entered by the Board of Immigration Appeals on April 12, 2004 when the Board denied his motion to reconsider the decision of the Immigration Judge.

**IT IS THEREFORE ORDERED** that petitioner shall show cause on or before June 8, 2005 why this Court should not transfer the case to the United States Court of Appeals for the Eighth Circuit.

Dated this 27th day of May, 2005.

A handwritten signature in cursive script, reading "Stephen T. Limbaugh". The signature is written in dark ink and is positioned above a horizontal line.

SENIOR UNITED STATES DISTRICT JUDGE